



3673

IN THE  
UNITED STATES PATENT & TRADEMARK OFFICE

#4

IN RE APPLICATION OF: Garry Kevin Callinan and )  
Glen Cashman )  
ATTORNEY DOCKET NO: 1423-9 )  
SERIAL NO.: 09/428,508 ) Art Unit:  
FILING DATE: October 27, 1999 ) Attention:  
ENTITLED: RETAINING WALL SYSTEM ) Examiner

RECEIVED  
JAN - 6 2000  
TC 3600 MAIL ROOMASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

- [x] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of issue fees), they may be paid out of our deposit account No. 12-0064. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany the payment.

PETITION FOR SMALL ENTITY STATUS

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope address to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

Date: December 30, 1999

  
~~Sharon Boswell~~ Debbie Rush

LAFF, WHITESEL & SARET, LTD.  
ATTORNEYS AT LAW  
401 North Michigan Avenue  
Chicago, Illinois 60611  
Phone: (312) 661-2100  
Fax: (312) 661-0029

## Registration

Charles A. Laff	19787
J. Warren Whitesel	16830
Larry L. Saret	27674
Martin L. Stern	28911
Louis Altman	19373
Barry W. Sufrin	27398
Marshall W. Sutker	19962
Jack R. Halvorsen	18394
Kevin C. Trock	37745
Lisa C. Childs	39937
G. Peter Albert, Jr.	37268
Michael B. Allen	37582
William A. Meunier	41193
Jeffrey H. Canfield	34808

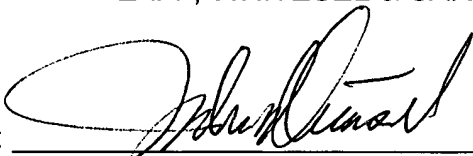
Attached hereto is a Declaration Claiming Small Entity Status for a small business concern. Accordingly, applicant petitions for a fund of 50% (\$601.00) of the filing fee of \$1,202.00 paid when the application was filed on November 27, 1999.

A photocopy of an Assignment to the small business concern is attached hereto. The original assignment is being submitted for recording by a paper accompanying this petition.

Respectfully submitted,

LAFF, WHITESEL & SARET, LTD.

DATED: 12/28/99

By:   
J. Warren Whitesel

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.  
77513

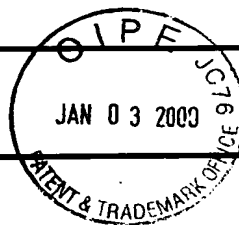
Serial No.

Filing Date

Patent No.

Issue Date

Applicant/  
Patentee: ECOFLEX AUSTRALIA PTY LIMITED-



Invention: RETAINING WALL SYSTEM

I hereby declare that I am:

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ECoflex Australia Pty Limited

ADDRESS OF CONCERN: 41-45 Newcomen Street, Newcastle, NSW, 2300

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

RECEIVED  
JAN - 6 2000  
TC 3600 MAIL ROOM

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

FULL NAME  
ADDRESS

☐ Individual

☐ Small Business Concern

☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

GARRY KEVIN CALLINAN

TITLE OF PERSON SIGNING

DIRECTOR (Ecoflex Australia Pty Limited)

OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

20 Ranclaud Street, Merewether, NSW, 2291

SIGNATURE:

*GK Callinan*



DATE:

26/11/99

## ASSIGNMENT

WHEREAS: Garry Kevin Callinan and Glen Cashman

(hereinafter referred to as ASSIGNORS), have invented and own a certain invention hereinafter entitled:

### RETAINING WALL SYSTEM

for which application for Letters Patent of the United States has been executed on even date herewith, and

WHEREAS: Ecoflex Australia Pty Limited

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and the United States Letters Patent to be obtained therefor:

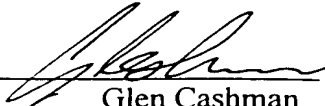
NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN:

Be it known that in consideration of the payment of ASSIGNEE TO ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNORS hereby sell, assign and transfer to ASSIGNEE the full and exclusive right, title and interest to said invention and all Letters Patent of the United States to be obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof and in and to all Letters Patent and all Convention and Treaty rights of all kinds, in all countries throughout the world for said invention for the full term or terms for which the same may be granted.

ASSIGNORS covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce said rights, said application, said invention and said Letters Patents which may be necessary or desirable to carry out the purposes hereof.

IN WITNESS WHEREOF, we have hereunto set our hand and seal this  
day of 1999.

  
Garry Kevin Callinan

  
Glen Cashman